

WEST DUNBARTONSHIRE COUNCIL

Report by the Executive Director of Housing, Environmental and Economic Development

Planning Committee: 9 January 2013

Subject: Judicial review of Glasgow City Council planning application decision 10/02890/DC, Great Western Retail Park, Glasgow

1. Purpose

- 1.1** To update Committee on the judicial review sought by the Council of a decision taken by Glasgow City Council in relation to a planning application for retail development at Great Western Retail Park, Glasgow.

2. Recommendations

- 2.1** It is recommended that the Committee note that Glasgow City Council have agreed not to contest the judicial review, will meet the Council's costs in relation to seeking the review and will reconsider the relevant planning application.

3. Background

- 3.1** In 2010 Glasgow City Council received a planning application seeking to remove a 'bulky goods' condition from a planning permission for 50,000sq ft of undeveloped non-food retail warehousing proposed for the Great Western Retail Park on Great Western Road close to the boundary with West Dunbartonshire.
- 3.2** The Council became aware of the application following an article in the local press in the summer of 2011. A report was submitted to the September 2011 Planning Committee at which it was agreed that the Council should object to the planning application owing to the potential impact of the development on Clydebank Town Centre.
- 3.3** The Council subsequently received notification that Glasgow City Council had approved the application under delegated powers on 21 March 2012. Officers considered the Report of Handling associated with the application and were concerned that the Council's objection, grounded in Scottish Planning Policy, had not been properly considered. A report was approved at the April 2012 Planning Committee setting out various actions including seeking a judicial review of the decision. On the strength of expert legal advice subsequently received a judicial review of the decision was sought.

4. Main Issues

- 4.1** A First Hearing of the judicial review at the Court of Session had been scheduled to take place on 11-13 December 2012. However, before this could take place the Council received notification from Glasgow City Council that it was willing to consent to the planning application decision being reduced and had the agreement of the applicant on this matter, subject to the application being reconsidered as quickly as possible. This was the outcome that the Council had hoped to achieve from the judicial review and it was therefore agreed to on the basis that the Council's legal expenses would be met. A Joint Minute was signed by the parties and the Court of Session has given effect to it reducing the planning application decision by Glasgow City Council and finding the City Council liable for this Council's costs. This is an acceptable outcome for the Council.
- 4.2** Glasgow City Council will now reconsider the Great Western Retail Park planning application and this Council will have an opportunity to submit further comments. It is not known at this time whether the applicant will provide additional supporting information, but it is considered likely that this Council's concerns will remain similar to those set out in the September 2011 and April 2012 Planning Committee reports. It is intended that any new or additional comments by this Council on the application to Glasgow City Council will be submitted for approval to a future Planning Committee at the relevant time.

5. People Implications

- 5.1** There are no personnel issues associated with this report.

6. Financial Implications

- 6.1** There are no significant financial implications as Glasgow City Council is to pay the legal expenses incurred by this Council in seeking the judicial review.

7. Risk Analysis

- 7.1** There are no risks associated with this report.

8. Equalities Impact Assessment (EIA)

- 8.1** It is not considered that the report or recommendations raise any equalities issues.

9. Consultation

- 9.1** There has been close liaison with the Council's Legal Services throughout the judicial review process. No other consultation was necessary.

10. Strategic Assessment

- 10.1** Clydebank Town Centre is important for this Council area in terms of it being a centre for employment and a retail and service centre serving the communities of West Dunbartonshire. It is therefore important for the Council to take action to preserve its vitality and viability.

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Date: 17 December 2012

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Appendices: None

Background Papers:

1. Copy of report to 6 September 2011 Planning Committee
2. Copy of report to 3 April 2012 Planning Committee

Wards Affected: All